

JAMIE LYNN GALLIAN
16222 MONTEREY LANE UNIT 376
HUNTINGTON BEACH, CA 92649
(714)321-3449
JAMIEGALLIAN@GMAIL.COM

DEBTOR, IN PRO PER

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

IN RE:

CASE NO. 8:21-BK-11710-SC

JAMIE LYNN GALLIAN,
DEBTOR

DECLARATION OF JAMIE LYNN
GALLIAN IN SUPPORT OF OBJECTION
TO THE CONTENTS OF DOC 323,
SPECIFICALLY ITEM NO. 5, PAGE 2,
F 4001-1.RFS.UD.ORDER;
ORDER GRANTING MOTION FOR
RELIEF FROM STAY UNDER 11 U.S.C.
§ 362.

[DOC 323] NOTICE OF LODGMENT
OF ORDER IN BANKRUPTCY CASE RE:
MOTION FOR RELIEF FROM STAY
UNDER 11 U.S.C. SECTION 362

PRE-PETITION FILING ON 1.2.2019,
OCSC 30-2019-01041423,
FORCIBLE ENTRY/DETAINER
COMPLAINT, UNPROSECUTED AS OF
DATE OF DEBTOR'S CHAPTER 7
PETITION FILED JULY 9, 2021.

TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUTCY
JUDGE, CHAPTER 7 BANKRUPTCY TRUSTEE, JEFFREY I. GOLDEN

On February 2, 2023, HOUSER BROS CO dba RANCHO DEL REY
MOBILEHOME ESTATES filed Document No. 323, NOTICE OF LODGMENT
OF ORDER IN BANKRUPTCY CASE RE: MOTION FOR RELIEF FROM STAY
UNDER 11 U.S.C. SECTION 362. Doc 278

On February 2, 2023, the Bankruptcy Court specifically asked Houser Bros Co. attorney D. Edward Hays of MARSHCK HAYS, the following:

1. Are the Forcible Entry/Detainer Claims in the ADVERSARY COMPLAINT *:21-ap-01097, set for Trial on February 23, 2023, in Department 5C, United States Bankruptcy Court [the same] claims stated in the Forcible Entry/Detainer State Court Case, **filed 1/2/2019**, Case No. 30-2019-01041423.

Attorney D. Edward Hays replied to United States Bankruptcy Judge, Scott C. Clarkson, "**They are completely different and not the same.**"

2. the Forcible Entry/Detainer State Court Case, **filed 1/2/2019**, Case No. 30-2019-01041423, remained [unprosecuted] for over 18 months prior the World Global Pandemic that began in April 2020.
3. Attorney Hays lied to a United States Bankruptcy Judge. The claims are identical.
4. Next the Court asked Attorney D. Edward Hays, if Ms. Gallian would be afforded each and every right and remedy and [would not] be waiving any right if the Relief From Automatic Stay were GRANTED, allowing Houser Bros Co. to continue to prosecute [after 20 months] an unprosecuted Forcible Entry/Detainer Complaint filed by Houser

Bros Co dba Rancho Del Rey Mobilehome Estates in State Court on 1/2/2019 in the Superior Court Case No. 30-2019-01041423.

When Ms. Gallian reviewed DOC 323, Notice of Lodgment of Order in Bankruptcy Case RE: Relief from Stay specifically **Page 2 Item 5, F 9021-1.2.BK.NOTICE. LODGEMENT**, Ms. Gallian became very alarmed, SCARED and panicked for good cause.

On March 4, 2019, after Houser Bros Co filed the OCSC Forcible Entry/Detainer Complaint on January 2, 2019, Houser Bros through their Attorney Vivienne Alston delivered to the Orange County Sheriff Department a WRIT OF POSSESSION, dated November 14, 2018, in the name of LISA RYAN, previous homeowner of the 2014 Skyline Manufactured Home purchased by Ms. Gallian on November 1, 2018, unencumbered, by surrendered Certificate of Title with Releasing Signature of Lisa Ryan executed on November 1, 2018.

On March 4, 2019, Ms. Gallian and her family members with two animals were forcibly removed from the her home by 6 Sheriff Deputies. As the Deputies escorted Ms. Gallian and her family out of the home, Ms. Gallian witnessed Chris Houser and Craig Houser, Rancho Del Rey Park Managers, walk a Locksmith inside Ms Gallians home and changed the locks to every door of the home without her permission or consent.

Ms. Gallian and her family were in a hotel under on March 6, 2019, Ms. Gallian's Motion To Intervene Case No. 30-2018-01013582 was heard by the Honorable Carmen Luege.

Houser Bros Co was ORDERED to return possession of the 2014 Skyline Manufactured Home to Ms. Gallian immediately.

The purpose of this Declaration of Jamie Gallian is to share Ms. Gallian concern of another horrible mistake.

HOUSER BROS are the party that committed the FORCIBLE ENTRY/DETAINER on March 4, 2019 against Ms. Gallian, a bona fide purchaser for value.

The unlawful WRIT OF POSSESSION in the name of LISA RYAN executed against Ms. Gallian, even after Houser Bros filed the 1/2/2019 FORCIBLE ENTRY/DETAINER on January 2, 2019 in the name of the sole defendant Jamie Gallian.

The unconscionable act by an Officer of the Court cannot be condoned.

Ms. Gallian respectfully requests this Honorable Court carefully review the ORDER Lodged on 2/2/2023, by Houser Bros Attorney D. Edward Hays, to make certain, the ORDER executed is exactly what the Bankruptcy Court meant.

I declare under penalty of perjury the foregoing statement is true and correct.

Signed this 7th day of February, 2023 at Huntington Beach, CA.

Respectfully submitted,

Jamie Lynn Gallian
Jamie Gallian

EJ-130

ATTORNEY OR PARTY WITHOUT ATTORNEY: NAME: VIVIENNE J ALSTON FIRM NAME: ALSTON ALSTON & DIEBOLD STREET ADDRESS: 27201 PUERTA REAL, STE 300 CITY: MISSION VIEJO TELEPHONE NO.: 714 556 9400 EMAIL ADDRESS: valston@aadilawyers.com ATTORNEY FOR (name): HOUSER BROS. CO. <input checked="" type="checkbox"/> ORIGINAL JUDGMENT CREDITOR <input type="checkbox"/> ASSESSMENT OF RECORD		STATE BAR NO. 170746 STATE: CA ZIP CODE: 92691 FAX NO. 714 556 9500	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 700 CIVIC CENTER DRIVE WEST MAILING ADDRESS: CITY AND ZIP CODE: SANTA ANA, CA 92701 BRANCH NAME: CENTRAL JUSTICE CENTER		Pursuant to California Government Code § 68150(d), the Clerk of the Court hereby certifies this document accurately reflects the official court record. The electronic signature and seal on this document have the same validity and legal force and effect as an original clerk's signature and court seal. California Government Code § 68150(g).	
Plaintiff: HOUSER BROS. CO. Defendant: LISA RYAN		CASE NUMBER: 30 2018 01013582 CLUDJC	
<input type="checkbox"/> EXECUTION (Money Judgment) WRIT OF <input checked="" type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input checked="" type="checkbox"/> Real Property		<input checked="" type="checkbox"/> Limited Civil Case (including Small Claims) <input type="checkbox"/> Unlimited Civil Case (including Family and Probate)	

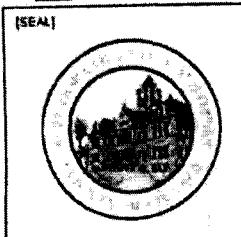
1. To the Sheriff or Marshal of the County of: ORANGE COUNTY
 You are directed to enforce the judgment described below with daily interest and your costs as provided by law.
2. To any registered process server: You are authorized to serve this writ only in accordance with CCP 699.080 or CCP 715.040.
3. (Name): HOUSER BROS. CO., a California general partnership dba RANCHO DEL REY MOBILE HOME ESTATES
 is the original judgment creditor assignee of record whose address is shown on this form above the court's name.
4. Judgment debtor (name, type of legal entity if not a natural person, and last known address):

LISA RYAN
 16222 Monterey Lane, Space 376
 Huntington Beach, California 92649

Additional judgment debtors on next page

5. Judgment entered on (date):
 10-18-2018
6. Judgment renewed on (dates):

7. Notice of sale under this writ
 - has not been requested
 - has been requested (see next page).
8. Joint debtor information on next page.



Form Approved for Optional Use
 Judicial Council of California
 EJ-130 (Rev. January 1, 2018)

David H. Yamasaki, Clerk of the Court

Issued on (date): 11/14/2018

Clerk, by

David H. Yamasaki

NOTICE TO PERSON SERVED: SEE PAGE 3 FOR IMPORTANT INFORMATION

WRIT OF EXECUTION

Code of Civil Procedure, §§ 689.520, 712.010, 715.010
 Government Code, § 6103.5
www.dca.ca.gov

2018 NOV 13
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Page 1 of 3

Plaintiff: HOUSER BROS. CO. Defendant: LISA RYAN		CASE NUMBER: 30 2018 01013682 CLUDCJC	EJ-130
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21. Additional judgment debtor (name, type of legal entity if not a natural person, and last known address):

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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22. Notice of sale has been requested by (name and address):

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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23. Joint debtor was declared bound by the judgment (CCP 989-994)

a. <input type="checkbox"/> on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor:	a. <input type="checkbox"/> on (date): b. name, type of legal entity if not a natural person, and last known address of joint debtor:	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c. <input type="checkbox"/> Additional costs against certain joint debtors are itemized: <input type="checkbox"/> Below <input type="checkbox"/> On Attachment 23c	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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24. (Writ of Possession or Writ of Sale) Judgment was entered for the following:

a. Possession of real property: The complaint was filed on (date): 8-21-2018
(Check (1) or (2). Check (3) if applicable. Complete (4) if (2) or (3) have been checked.)

(1) The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46. The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(3) The unlawful detainer resulted from a foreclosure sale of a rental housing unit. (An occupant not named in the judgment may file a Claim of Right to Possession at any time up to and including the time the levying officer returns to effect eviction, regardless of whether a Prejudgment Claim of Right to Possession was served.) (See CCP 415.46 and 1174.3(a)(2).)

(4) If the unlawful detainer resulted from a foreclosure (item 24a(3)), or if the Prejudgment Claim of Right to Possession was not served in compliance with CCP 415.46 (item 24a(2)), answer the following:

(a) The daily rental value on the date the complaint was filed was \$36.20

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. Possession of personal property.

If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order.

c. Sale of personal property.

d. Sale of real property.

e. The property is described: Below On Attachment 24e

16222 Monterey Lane, Space 376, Huntington Beach, California 92649

EJ-130

Plaintiff: HOUSER BROS. CO.	CASE NUMBER: 30 2018 01013582 CLUDCJC
Defendant: LISA RYAN	

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will demand that you turn over the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

EXCEPTION IF RENTAL HOUSING UNIT WAS FORECLOSED. If the residential property that you are renting was sold in a foreclosure, you have additional time before you must vacate the premises. If you have a lease for a fixed term, such as for a year, you may remain in the property until the term is up. If you have a periodic lease or tenancy, such as from month-to-month, you may remain in the property for 60 days after receiving a notice to quit. A blank form *Claim of Right to Possession and Notice of Hearing* (form CP10) accompanies this writ. You may claim your right to remain on the property by filling it out and giving it to the sheriff or levying officer.

EXCEPTION IF YOU WERE NOT SERVED WITH A FORM CALLED PREJUDGMENT CLAIM OF RIGHT TO POSSESSION. If you were not named in the judgment for possession and you occupied the premises on the date on which the unlawful detainer case was filed, you may object to the enforcement of the judgment against you. You must complete the form *Claim of Right to Possession and Notice of Hearing* (form CP10) and give it to the sheriff or levying officer. A blank form accompanies this writ. You have this right whether or not the property you are renting was sold in a foreclosure.

TO (Name and Address): Lisa Ryan	LEVYING OFFICER (Name and Address): Orange County Sheriff's Office Sheriff's Civil Division Suite 2 909 N. Main Street Santa Ana, CA 92701
16222 Monterey Lane Space 376 Huntington Beach, CA 92649	(714) 569-3700 Fax: (714) 569-2368
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Orange County Superior Court 700 Civic Center Drive West Santa Ana, CA 92701 Central Justice Center	California Relay Service Number (800) 735-2929 TDD or 711
PLAINTIFF: Houser Bros Co DEFENDANT: Lisa Ryan	COURT CASE NO.: 30 2018 01013582 CLUDCJC
Notice to Vacate	
LEVYING OFFICER FILE NO.: 2018517508	

By virtue of the Writ of Execution for Possession/Real Property (eviction), issued out of the above court, you are hereby ordered to vacate the premises described on the writ.

Eviction Address:	16222 Monterey Lane Space 376 Huntington Beach, CA 92649
--------------------------	---

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:	Monday, December 03, 2018 6:01 AM
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Should you fail to vacate the premises within the allotted time, I will immediately enforce the writ by removing you from the premises. All personal property upon the premises at the time will be turned over to the landlord, who must return said personal property to you upon your payment of the reasonable cost incurred by the landlord in storing the property from the date of eviction to the date of payment. If the property is stored on the landlord's premises, the reasonable cost of storage is the fair rental value of the space necessary for the time of storage. If you do not pay the reasonable storage costs and take possession within fifteen (15) days, the landlord may either sell your property at a public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), or, if the property is valued at less than \$700.00, the landlord may dispose of your property or retain it for his own use. (715.010(b)(3), 1174 CCP)

If you claim a right of possession of the premises that accrued prior to the commencement of this action, or if you were in possession of the premises on the date of the filing of the action and you are not named on the writ, complete and file the attached Claim of Right of Possession form with this office. No claim of right to possession can be filed if box 24a(1) located on the back of the writ is checked.



**Sandra Hutchens
Sheriff-Coroner**

By: _____
Sheriff's Authorized Agent

TO (Name and Address): Lisa Ryan 16222 Monterey Lane Space 376 Huntington Beach, CA 92649	LEVYING OFFICER (Name and Address): Orange County Sheriff's Office Sheriff's Civil Division Suite 2 909 N. Main Street Santa Ana, CA 92701 (714) 569-3700 Fax: (714) 569-2368 California Relay Service Number (800) 735-2929 TDD or 711
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Orange County Superior Court 700 Civic Center Drive West Santa Ana, CA 92701 Central Justice Center	COURT CASE NO.: 30 2018 01013582 CLUDCJC
PLAINTIFF: Houser Bros Co DEFENDANT: Lisa Ryan	LEVYING OFFICER FILE NO.: 2018517508
Notice to Vacate	

By virtue of the Writ of Execution for Possession/Real Property (eviction), issued out of the above court, you are hereby ordered to vacate the premises described on the writ.

Eviction Address:	16222 Monterey Lane Space 376 Huntington Beach, CA 92649
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Final notice is hereby given that possession of the property must be turned over to the landlord on or before:

Final notice is hereby given that possession of the property must be turned over to the landlord on or before:	Sunday, January 20, 2019 6:01 AM
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Should you fail to vacate the premises within the allotted time, I will immediately enforce the writ by removing you from the premises. All personal property upon the premises at the time will be turned over to the landlord, who must return said personal property to you upon your payment of the reasonable cost incurred by the landlord in storing the property from the date of eviction to the date of payment. If the property is stored on the landlord's premises, the reasonable cost of storage is the fair rental value of the space necessary for the time of storage. If you do not pay the reasonable storage costs and take possession within fifteen (15) days, the landlord may either sell your property at a public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC), or, if the property is valued at less than \$700.00, the landlord may dispose of your property or retain it for his own use. (715.010(b)(3), 1174 CCP)

If you claim a right of possession of the premises that accrued prior to the commencement of this action, or if you were in possession of the premises on the date of the filing of the action and you are not named on the writ, complete and file the attached Claim of Right of Possession form with this office. No claim of right to possession can be filed if box 24a(1) located on the back of the writ is checked.



Don Barnes
Sheriff-Coroner

By:

Renee Horne
Sheriff's Authorized Agent

TO (Name and Address): Lisa Ryan 16222 Monterey Lane Space 376 Huntington Beach, CA 92649	LEVYING OFFICER (Name and Address): Orange County Sheriff's Office Sheriff's Civil Division Suite 2 909 N. Main Street Santa Ana, CA 92701 (714) 569-3700 Fax: (714) 569-2368 California Relay Service Number (800) 735-2929 TDD or 711
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: Orange County Superior Court 700 Civic Center Drive West Santa Ana, CA 92701 Central Justice Center	COURT CASE NO.: 30 2018 01013682 CLUDCJC
PLAINTIFF: Houser Bros Co DEFENDANT: Lisa Ryan	LEVYING OFFICER FILE NO.: 2018517508
Eviction Restoration Notice	

To: Evicted Tenants, Property Owners, Their Agents and The Local Police:

By virtue of a Writ of Execution for Possession of Real Property, the following property was restored to the landlord on:

Eviction Date:	3/6/19 12:30 PM
Eviction Address:	16222 Monterey Lane Space 376 Huntington Beach, CA 92649

Pursuant to Penal Code Sections 419 and 602, and judgment debtor, any persons removed by the Sheriff or Marshal, or any person not authorized by the landlord, who enters the real property after eviction, may be subject to arrest.

Pursuant to California Civil Procedure sections 715.010(b)(3) and 715.030, all personal property left on the premises has been turned over to the landlord. The landlord is responsible for the safe keeping of tenant's property for fifteen (15) days from the date of eviction. The landlord may charge a reasonable fee for removal and storage of the property. However, upon demand of the tenant, the landlord must return the tenant's property if the tenant pays all costs incurred by the property owner for storage and maintenance. If the costs are not paid by the tenant and the tenant does not take possession of the property left behind before the end of the fifteen (15) day period, the landlord may either sell the property at public sale and keep from the proceeds of the sale the costs of storage and of the sale (1988 CCC). If the property is valued at less than \$700.00, the landlord may dispose of the property or retain it for his own use. (1174 CCP)



Date: 3/14/19

Don Barnes
Sheriff-Coroner

By: J. Barnes
Sheriff's Authorized Agent

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MINUTE ORDER

DATE: 03/06/2019

TIME: 08:30:00 AM

DEPT: C61

COMMISSIONER: Carmen Luege

CLERK: Ryan Castillo

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: C. Gonzalez

CASE NO: 30-2018-01013582-CL-UD-CJC CASE INIT.DATE: 08/21/2018

CASE TITLE: Houser Bros. Co. vs. Ryan

CASE CATEGORY: Civil - Limited CASE TYPE: Unlawful Detainer - Residential

EVENT ID/DOCUMENT ID: 72999194

EVENT TYPE: Ex Parte

MOVING PARTY: Jamie L Gallan

CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 03/05/2019

EVENT ID/DOCUMENT ID: 72999195

EVENT TYPE: Ex Parte

MOVING PARTY: Jamie L Gallan

CAUSAL DOCUMENT/DATE FILED: Ex Parte Application - Other, 03/05/2019

APPEARANCES

Vivienne J. Alston, from Alston, Alston & Diebold Attorneys at Law, present for Plaintiff(s).

Jamie L Gallan, self represented Interested Party, present.

Proceedings recorded electronically.

Ex-Parte application for reconsideration to intervene and TRO to stay writ of possession is requested by Jaime Gallion.

Ex-partie Application is read and considered.

The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

The motion for reconsideration to intervene and TRO to stay writ of possession is GRANTED .

The Court allows Gallian to intervene as to the writ of possession execution in this case. The Court finds there was improper execution as the judgment was against Lisa Ryan and all unknown occupants. On 1/2/2019, Plaintiff filed an unlawful detainer for the premises address in this matter against Jamie Gallian. The Court finds on these facts, Jamie Gallian is NOT an unknown occupant.

The Court orders Plaintiff to place Jamie Gallian back in possession by 5:00 PM today.



DATE: 03/06/2019

MINUTE ORDER

DEPT: C61

Page 1
Calendar No.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE
DEPARTMENT C61

HOUSER BROS COMPANY }
PLAINTIFF, }
V. } NO. 30-2018-01013582
LISA RYAN, AN INDIVIDUAL, }
DEFENDANT. }

HONORABLE CARMEN R. LUEGE, JUDGE PRESIDING
REPORTER'S TRANSCRIPT
MARCH 6, 2019

APPEARANCES OF COUNSEL:

FOR PLAINTIFF: ALSTON, ALSTON & DIEBOLD
BY: VIVIENNE J. ALSTON, ESQ.
FOR DEFENDANT: * (NO APPEARANCE.)
FOR INTERESTED PARTY: JAMIE LYNN GALLIAN,
IN PROPRIA PERSONA

PATRICK R. BREZNA, CSR #5288
CERTIFIED REALTIME REPORTER,
REGISTERED PROFESSIONAL REPORTER

1 SANTA ANA, CALIFORNIA - WEDNESDAY, MARCH 6, 2019

2 (MORNING SESSION)

3 (THE FOLLOWING PROCEEDINGS WERE HAD IN
4 OPEN COURT AND ARE BASED ON AN AUDIO
5 RECORDING:)

6 THE COURT: JAMIE GALLIAN.

7 MS. ALSTON: GOOD MORNING.

8 VIVIENNE ALSTON APPEARING ON BEHALF OF THE
9 PLAINTIFFS, HOUSER BROTHERS. I HAVE WITH ME KATHERINE
10 CURTISS, A MEMBER OF HOUSER BROTHERS.

11 THE COURT: ALL RIGHT. THIS CASE IS ELECTRONICALLY
12 RECORDED AND CREATES AN OFFICIAL RECORD OF THE
13 PROCEEDINGS.

14 WHO'S HERE FOR THE PLAINTIFFS?

15 MS. ALSTON: VIVIENNE ALSTON APPEARING ON BEHALF OF
16 THE PLAINTIFFS, HOUSER BROTHERS.

17 THE COURT: GO AHEAD AND STATE YOUR APPEARANCE.

18 JAMIE LYNN GALLIAN: GOOD MORNING, YOUR HONOR.

19 JAMIE GALLIAN.

20 THE COURT: ALL RIGHT. SO DO WE HAVE A TRIAL DATE ON
21 THIS CASE, THE UNLAWFUL DETAINER THAT IS PENDING AGAINST
22 MS. GALLIAN?

23 MS. ALSTON: NO, YOUR HONOR, WE DON'T HAVE A TRIAL
24 DATE.

25 JAMIE LYNN GALLIAN: NO.

26 THE COURT: EXCUSE ME.

1 MS. ALSTON: NO, YOUR HONOR, WE DO NOT HAVE A TRIAL
2 DATE.

3 THE COURT: WHY NOT?

4 MS. ALSTON: BECAUSE SHE ANSWERED WITHIN THE LAST, I
5 THINK, NINE DAYS. WE STILL HAVE DISCOVERY TO GO THROUGH
6 BEFORE A TRIAL DATE IS SET.

7 THE COURT: SO HERE'S MY PROBLEM. I HAVE A TENTATIVE
8 ALREADY IN MIND. AND MY TENTATIVE IS THAT I'M GOING TO
9 STAY EXECUTION OF ANY WRIT IN THIS CASE, IN THIS CASE
10 WHICH IS AGAINST MS. RYAN, NOT AGAINST MS. GALLIAN, THIS
11 DEFENDANT. AND I'M GOING TO ALLOW YOU, BECAUSE I KNOW
12 YOU HAVE A PENDING CASE AGAINST MS. GALLIAN FOR UNLAWFUL
13 DETAINER, TO LITIGATE THAT IN C66.

14 AND THE REASON I SAY THAT, THE WRIT IN THIS
15 CASE WAS AGAINST LISA RYAN. THE WAY THAT -- THAT SHE --
16 THAT MS. GALLIAN GETS INVOLVED IN THIS SITUATION IS THAT,
17 BETWEEN THE PERIOD THAT THE COURT ISSUES JUDGMENT AGAINST
18 RYAN, RYAN SELLS THE PROPERTY TO GALLIAN, OKAY.

19 NOW, ONE OF THE THINGS THAT I THINK IS
20 ENCOURAGED IN CASES INVOLVING MOBILE HOMES IS THAT WHEN
21 THE PERSON WHO OWNS THE MOBILE HOME IS OUSTED FROM THERE,
22 OF THE PARK, IS USUALLY BECAUSE THEY'RE BEHIND IN RENT
23 PAYMENTS ON THE SPACE, OR SOMETIMES FOR OTHER CAUSES
24 BECAUSE YOU HAVE TO HAVE CAUSE FOR A MOBILE HOME REMOVAL.
25 IT'S THE SPACE THAT IS AT ISSUE, NOT THE MOBILE HOME
26 ITSELF. BUT THE MOBILE HOME OFTENTIMES CANNOT BE MOVED,

1 EITHER BECAUSE OF THE EXPENSE PROHIBITS IT, OR BECAUSE
2 MAYBE THE MOBILE HOME PARK DO NOT ACCEPT OLDER MOBILE
3 HOMES. I HAVE HAD EXPERTS IN HERE TESTIFY COST CAN BE IN
4 EXCESS OF \$10,000.

5 AND SO, UH, THE REALITY BECOMES THAT WHAT
6 HAPPENS WHEN YOU SAY, OKAY, THE PLAINTIFF IS ENTITLED TO
7 THE SPACE IN THERE, THE MOBILE HOME CANNOT BE MOVED. AND
8 USUALLY WHAT HAPPENS, OFTEN HAPPENS, IS THAT THE MOBILE
9 HOME PARK, THEY MOVE THE PERSON OUT AND THEY SELL THE
10 PROPERTY THEMSELVES. THAT'S ONE OPTION. THE OTHER
11 OPTION IS GIVING ENOUGH TIME FOR THE OWNER OF THE MOBILE
12 HOME TO SELL.

13 NOW, IN THIS PARTICULAR INSTANCE, WE HAVE AN
14 INTERESTING SITUATION WHICH, BY THE WAY, I HAVEN'T SEEN
15 IT IN THE EIGHT YEARS I'VE BEEN SITTING HERE, WHERE THE
16 ACTUAL MOBILE HOME IS SOLD, PRESUMABLY, IN THE TIME
17 PERIOD THAT IS BETWEEN THE JUDGMENT AND THE EXECUTION OF
18 THE WRIT, WHICH REALLY IS WHAT THE WHOLE FRAMEWORK OF
19 THIS ENCOURAGES; THAT THE HOMEOWNER, THE PRIOR, MS. RYAN,
20 WILL FIND A BUYER AND SELL IT. AND THAT'S EXACTLY WHAT
21 HAPPENED. THAT'S HOW GALLIAN CAME INTO POSSESSION.

22 NOW, I KNOW THAT SHE MADE A MOTION TO INTERVENE
23 BEFORE IT CAME TO THIS DIRE SITUATION WE HAVE NOW. AND
24 AT THE TIME, I DIDN'T WANT HER TO BE INTERVENING BECAUSE
25 THIS CASE HAS REALLY NOTHING TO DO WITH HER, AS FAR AS I
26 CAN TELL. MY THOUGHT WAS THAT ONCE SHE BOUGHT THE

1 PROPERTY, THAT THERE WILL BE A PROCESS. BECAUSE I KNOW
2 THAT PEOPLE ARE ENTITLED TO DUE PROCESS IN THE MOBILE
3 HOME CONTEXT; OTHERWISE, THERE WOULD BE AN ASSESSMENT
4 MADE WHETHER OR NOT SHE'S A GOOD CANDIDATE TO BECOME A
5 MEMBER OF THE PARK.

6 AND THAT'S WHERE MY WHOLE THOUGHT IS AT; THAT
7 AT THE TIME OF THE SITUATION, I DIDN'T THINK -- AND I
8 THINK I MAY HAVE TOLD HER -- I DIDN'T EXPECT THAT THE
9 WRIT THAT I HAD ISSUED IN THIS CASE WOULD BE USED AGAINST
10 ANY OWNER OF THE MOBILE HOME BECAUSE I THOUGHT THAT THERE
11 WOULD BE A PROCESS BY WHICH THE MOBILE HOME PARK WOULD
12 MAKE A DETERMINATION OF WHETHER OR NOT SHE SATISFIES THE
13 REQUIREMENTS THEY HAVE TO BECOME A PARK MEMBER.

14 I GATHERED THAT NOW, FOR WHATEVER REASONS, THE
15 PARK HAS DECIDED THAT SHE'S NOT A GOOD TENANT THERE.
16 THEY DON'T WANT HER AS A TENANT, SO THEY'RE NOT WILLING
17 TO APPROVE. SO NOW WE HAVE A SITUATION WHERE MS. GALLIAN
18 OWNS THE MOBILE HOME, BUT THE PARK IS NOT GIVING HER
19 AUTHORIZATION TO STAY IN THIS SPACE BECAUSE SHE'S NOT A
20 TENANT THAT THEY WANT TO HAVE THERE. THAT'S WHAT I THINK
21 IS HAPPENING HERE.

22 AND I'M OKAY WITH THAT, BUT I'M NOT GOING TO
23 LITIGATE THAT ISSUE HERE. SO I'M STILL ALLOWING HER TO
24 INTERVENE BECAUSE I DON'T THINK IT SHOULD BE LITIGATED
25 HERE. THE ISSUE OF WHETHER OR NOT GALLIAN HAS THE RIGHT
26 TO POSSESSION NEEDS TO BE DETERMINED IN THE CASE THAT IS

1 PENDING IN C66.

2 AND PERHAPS ONE OF THE ISSUES THAT WILL BE
3 LITIGATED THERE IS THE QUESTION OF, ONE, DID SHE ACTUALLY
4 BUY THE PROPERTY; DID SHE BECOME THE OWNER OF THE MOBILE
5 HOME. AND THE SECOND ISSUE IS, MY THOUGHT IS, UNDER THE
6 MOBILE HOME LAW, YOU KNOW, YOU HAVE TO HAVE GOOD CAUSE TO
7 REJECT A TENANT. YOU CANNOT JUST WILLY-NILLY START
8 REJECTING PEOPLE. SO I THINK THAT THERE ARE REGULATIONS
9 AND RULES THAT COME INTO PLAY. AND IT COULD BE LITIGATED
10 IN THE OTHER CASE AGAINST MS. GALLIAN WHETHER THE PARK
11 FOLLOWED CORRECT PROCEDURE, WHETHER, YOU KNOW -- I DON'T
12 KNOW. IT'S OPEN TO LITIGATION, I THINK.

13 SO FOR ALL THOSE REASONS, I THINK IT WOULD BE
14 PREMATURE AT THIS MOMENT TO SAY MS. GALLIAN NEEDS TO BE
15 EVICTED ON THE WRIT ISSUED IN THIS CASE BECAUSE WE
16 ALREADY KNOW THAT, IN SHORT NOTICE, YOU'RE GOING TO HAVE
17 A TRIAL IN HER CASE. AND I THINK THAT JUDGE HONER WAS
18 RIGHT WHEN SHE SAID THAT SHE COULD STOP EXECUTION OF THE
19 WRIT I ISSUED, BECAUSE I ISSUED IT IN THIS MATTER.

20 BUT I HAVE THE DISCRETION, ON THESE FACTS, I
21 THINK, TO STAY EXECUTION OF THIS WRIT AGAINST MS. GALLIAN
22 AS AN UNKNOWN OCCUPANT, WHICH IS THE ONLY WAY YOU GUYS
23 CAN GET HER OUT BECAUSE SHE IS NOT A NAMED DEFENDANT.
24 BUT EVEN AS AN UNKNOWN OCCUPANT, I HAVE THE DISCRETION TO
25 STOP THAT AND GIVE HER THE OPPORTUNITY TO GIVE HER THE
26 TRIAL THAT SHE'S ENTITLED TO HAVE.

1 THOSE ARE MY THOUGHTS. THAT'S MY TENTATIVE.

2 MS. ALSTON: YOUR HONOR, FIRST OF ALL, I WANT TO MAKE
3 SURE THE COURT IS AWARE THAT THE WRIT HAS BEEN EXECUTED.

4 THE COURT: NO. I KNOW.

5 MS. ALSTON: OKAY.

6 THE COURT: I'M AWARE. BUT I'M GOING TO PUT IT BACK,
7 WHICH IS RARE, BUT...

8 MS. ALSTON: AND I DON'T THINK --

9 THE COURT: IT'S A RARE CASE IN MANY WAYS, BECAUSE I
10 DON'T UNDERSTAND --

11 MS. ALSTON: BUT --

12 THE COURT: CAN I SAY WHAT I DON'T UNDERSTAND?

13 IF YOU HAVE A CASE AGAINST MS. RYAN, AND YOU
14 KNOW THAT RYAN SOLD THE PROPERTY TO GALLIAN, I DON'T
15 UNDERSTAND WHY YOU'RE TRYING TO EXECUTE THIS WRIT THAT'S
16 ISSUED IN THIS CASE. AND THE PROBLEM IS THAT YOU DON'T
17 THINK THAT GALLIAN QUALIFIES, THEN I THINK IT'S --

18 MS. ALSTON: WE DON'T BELIEVE THAT SHE QUALIFIES,
19 YOUR HONOR --

20 THE COURT: I UNDERSTAND. BUT --

21 MS. ALSTON: -- AND WE WILL FIGHT THAT OUT AS TO
22 POSSESSION OF THE PROPERTY BY THE OCCUPATION OF
23 THE MOBILE HOME. HOWEVER, WE EXECUTED THE WRIT AGAINST
24 MS. GALLIAN AS AN UNKNOWN OCCUPANT. THIS COURT ALLOWED
25 IT.

26 THE COURT: NO, NO. THIS COURT -- NO, NO, I DID NOT

1 I ALLOW IT. WHAT IT WAS IS, SHE COULDN'T INTERVENE WHEN
2 I THOUGHT THERE WOULD BE A PROCESS. I -- I -- I DID NOT
3 EXPECT -- PART OF THE PROBLEM IS THAT EVEN AT THE TIME
4 THAT YOU EXECUTED IT, BECAUSE IT WAS AFTER THE HEARING,
5 SHE'S NOT EVEN AN UNKNOWN OCCUPANT AT THE TIME. SHE IS A
6 KNOWN OCCUPANT. IN FACT, YOU WENT AND FILED THE OTHER
7 CASE.

8 SO THAT'S WHY I DON'T THINK THAT THE SHERIFF
9 CAN EXECUTE AN UNKNOWN OCCUPANT WRIT IN THIS CASE AGAINST
10 WHAT NOW IS A KNOWN OCCUPANT. AND AT THE TIME OF THE
11 EXECUTION OF THE WRIT, SHE IS A KNOWN OCCUPANT, NOT AN
12 UNKNOWN ONE. AND YOU ALREADY HAVE ACKNOWLEDGED THAT
13 BECAUSE YOU HAVE FILED THE CASE AGAINST HER AS A KNOWN
14 OCCUPANT IN THE U.D. YOU FILED AGAINST MS. GALLIAN.

15 MS. ALSTON: I BELIEVE THAT SHE IS AN OWNER OCCUPANT,
16 YOUR HONOR. I MEAN, WE HAD -- BUT SHE HAS OBTAINED
17 POSSESSION OF THE PROPERTY THROUGH MS. RYAN, PLACED HER
18 IN POSSESSION OF THE HOME, AND --

19 THE COURT: WHO SOLD THE HOME TO HER?

20 MS. ALSTON: BUT THE SALE OF THE HOME DOES NOT GIVE
21 HER ANY POSSESSORY RIGHTS OF THE LAND.

22 THE COURT: NO, NOT OF THE LAND. BUT THAT'S WHY I
23 MADE THE PREMISE I MADE, BECAUSE IN THE CONTEXT OF MOBILE
24 HOME LAW, ONCE THE PERSON'S GOING TO BUY THE PROPERTY,
25 THERE'S A PROCESS THAT SHE HAS TO BE AN ACCEPTABLE
26 TENANT. I UNDERSTAND THAT. AND I SAID TO THE TENANT, "I

1 UNDERSTAND THAT." THAT HAS TO BE LITIGATED IN THIS
2 PARTICULAR CASE.

3 BECAUSE, THINK ABOUT IT. I DON'T KNOW HOW MANY
4 TIMES I DO MOBILE HOME UNLAWFUL DETAINER CASES WHERE WHAT
5 I'M ENCOURAGING THE DEFENDANT TO DO IS TO ACTUALLY DO
6 WHAT THE DEFENDANT DID HERE. BECAUSE THAT'S THE WHOLE
7 GOAL. I THINK YOU SELL IT, AND PART OF THE MONEY IS USED
8 TO COVER WHATEVER IS OWED, AND THEN THE OTHER NEW PERSON
9 BECOMES THE NEW TENANT IN THE PARK. I MEAN, THAT'S THE
10 IDEAL SITUATION. I DON'T KNOW WHY YOU'RE DOING THAT
11 HERE, BUT I DON'T WANT TO LITIGATE THAT HERE.

12 MS. ALSTON: WELL, IT DIDN'T WORK HERE BECAUSE --
13 WELL, IT DIDN'T WORK HERE, YOUR HONOR, BECAUSE THEY
14 DIDN'T FOLLOW THE STIPULATED JUDGMENT. THE STIPULATED
15 JUDGMENT HAD A LIST OF THINGS -- OF TERMS THAT THEY WERE
16 PROVISIONS THEY WERE SUPPOSED TO FOLLOW IN THE SALE, AND
17 THEY COMPLETELY BREACHED THOSE.

18 THE COURT: "THEY" WHO; MS. RYAN?

19 MS. ALSTON: MS. RYAN AND MS. GALLIAN.

20 THE COURT: WELL, MS. GALLIAN IS NOT A PARTY TO THAT
21 AGREEMENT.

22 MS. ALSTON: BUT SHE WAS BUYING IT FROM MS. RYAN.

23 THE COURT: I KNOW. BUT --

24 MS. ALSTON: AND GOES FOR --

25 THE COURT: BUT SHE -- NO. BUT SHE'S NOT AN OWNER
26 OCCUPANT.

1 MS. ALSTON: I THINK THAT SHE IS, YOUR HONOR. AND I
2 THINK PRACTICALLY -- I MEAN, I'VE NOT BRIEFED IT, AND I
3 DON'T HAVE CASES AND STATUTES THAT I CAN POINT TO IN THIS
4 ISSUE BEFORE THE COURT --

5 THE COURT: WHAT ISSUES?

6 MS. ALSTON: THE ISSUE OF OWNER OCCUPANCY.

7 THE COURT: WELL, IF THE ISSUE OF UNKNOWN OCCUPANT IS
8 NOT BEFORE THE COURT, I DON'T UNDERSTAND, BECAUSE THE
9 ONLY WAY THAT THE PLAINTIFF IN YOUR CASE GETS TO EXECUTE
10 THIS WRIT AGAINST MS. GALLIAN IS BECAUSE OF THE
11 NONOCCUPANT.

12 MS. ALSTON: YES.

13 THE COURT: THE ISSUE WAS AGAINST RYAN.

14 MS. ALSTON: YES, AND ALL UNKNOWN OCCUPANTS.

15 THE COURT: THEN YOU'RE SAYING SHE IS AN UNKNOWN
16 OCCUPANT?

17 MS. ALSTON: WHAT I'M SAYING IS THAT I DON'T HAVE A
18 BRIEF TO PRESENT TO THIS COURT BECAUSE I WASN'T AWARE
19 THAT THIS WAS GOING TO BE THE WAY THE COURT WAS GOING TO
20 MOVE. AND IT WASN'T IN THE DOCUMENTS, SO IT'S TAKEN ME A
21 LITTLE BIT UNAWARE.

22 HOWEVER, WHAT THE COURT IS CONTEMPLATING IS
23 THAT ANYTIME THIS PERSON WHO IS GIVEN A JUDGMENT -- GETS
24 A JUDGMENT, THAT THEY CAN SIMPLY TRANSFER THE UNIT OVER
25 TO -- WHETHER IT'S AN APARTMENT, MOBILE HOME OR R.V., OR
26 WHATEVER IT IS THAT THEY HAVE THAT IS LOCATED ON THE

1 PROPERTY, AND THEN TAKE THE -- THE PERSON TAKES
2 POSSESSION OF THE UNIT, AND THEN THE WRIT CAN'T BE
3 EXECUTED.

4 THE COURT: YOU MEAN, AS TO THAT PERSON. NO. THAT'S
5 MY WHOLE POINT.

6 MS. ALSTON: I DON'T BELIEVE THE LAW WORKS THAT WAY,
7 YOUR HONOR, BECAUSE THIS IS NEVER-ENDING POSSESSION OR
8 OCCUPATION THAT PREVENTS THE PLAINTIFF FROM OBTAINING
9 POSSESSION OF THE PROPERTY.

10 THE COURT: I AM CONCERNED ABOUT IT -- AND I
11 UNDERSTAND YOUR POINT -- BUT I'VE DONE THIS FOR YEARS.
12 SO IT'S UNCOMMON, FIRST, SO I'M TRYING TO ADDRESS ALL
13 FUTURE OCCUPATION PROBLEMS. I'M ONLY TRYING TO ADDRESS
14 THE PROBLEMS IN THIS PARTICULAR CASE ON THESE PARTICULAR
15 FACTS.

16 WHAT I UNDERSTAND IS THAT GALLIAN BOUGHT THE
17 PROPERTY FROM RYAN. AND I WANT TO EMPHASIS THAT. IT'S
18 NOT RYAN BROUGHT SOME OTHER PERSON TO LIVE WITH HER. MY
19 UNDERSTANDING IS, RYAN MOVED OUT, AND SORT OF ANTICIPATED
20 BY THE STIPULATION, RYAN SOLD THE PROPERTY, ALL RIGHT,
21 THE MOBILE HOME TO GALLIAN. AND NOW KNOWING THAT, WHAT
22 I'M BEING ASKED TO SAY IS, IT'S OKAY TO USE THE WRIT IN
23 THIS CASE AGAINST GALLIAN AS AN UNKNOWN OCCUPANT. THAT'S
24 THE PROBLEM I HAD.

25 MY ANALYSIS SIMPLY SAYS TO ME, I AM NOT GOING
26 TO DO THAT BECAUSE GALLIAN DOES -- IF I DID THAT, GALLIAN

1 DOES NOT GET TO LITIGATE THE QUESTION OF WHETHER THE
2 HOME -- MOBILE HOME PARK IS CORRECT IN SAYING THAT SHE
3 DOESN'T QUALIFY. I DON'T KNOW WHETHER SHE -- I DON'T
4 KNOW WHETHER SHE QUALIFIES.

5 BUT I DO KNOW THIS IN MY HEAD: I WANT TO BE
6 SURE THAT GALLIAN'S RIGHT TO LITIGATE WHETHER OR NOT,
7 WHETHER OR NOT SHE QUALIFIES TO BE A TENANT AT THE PARK,
8 BECAUSE THERE ARE PROVISIONS IN THE MOBILE HOME PARK THAT
9 HAVE TO BE FOLLOWED TO DENY THAT. I WANT TO BE SURE
10 THAT'S -- THAT SHE HAS A PLACE TO ARGUE THAT. NOW, I
11 DON'T KNOW WHETHER MS. GALLIAN'S GOING TO WIN OR NOT, BUT
12 WHAT I WANT IS TO CREATE A PROCESS THAT DOES NOT
13 IMPEDE -- THAT DOES NOT INTERFERE WITH HER ABILITY TO
14 LITIGATE THAT ISSUE.

15 AND IF YOU'RE RIGHT THAT MS. GALLIAN DOESN'T
16 QUALIFY, THEN I'M ASSUMING YOU'RE GOING TO WIN THE CASE
17 ACROSS THE HALL. AND IF YOU'RE WRONG AND THE JUDGE FINDS
18 THAT SHE DOES QUALIFY, THEN MAYBE SHE GETS TO CONTINUE TO
19 BE IN POSSESSION.

20 AND THIS IS PARTICULARLY IMPORTANT IN MOBILE
21 HOME PARK SITUATIONS BECAUSE OF THE SPECIAL CIRCUMSTANCES
22 THAT I JUST FINISHED EXPLAINING THAT APPLIES TO MOBILE
23 HOMES, WHICH IS THE REASON WHY THE LEGISLATURE IMPOSES SO
24 MANY REGULATIONS ON THE WAY YOU CAN EVICT, ON THE WAY
25 THAT -- YOU KNOW, IT'S SORT OF LIKE A WHOLE DIFFERENT
26 SYSTEM PARALLEL TO THE REGULAR EVICTION STATUTES THAT ARE

1 MUCH MORE ONEROUS AND COMPLICATED. I THINK THAT THAT'S
2 MOTIVATED BY WANTING TO PROTECT OWNERS IN MOBILE HOME
3 PARKS.

4 SO THAT'S ALL I WANT, TO BE SURE -- I WANT TO
5 BE SURE SHE GETS A SHOT. AND I DON'T THINK THERE'S ANY
6 HUGE DETRIMENT TO THE PLAINTIFF BECAUSE SHE'S IN THE
7 PARK, YOU ALREADY HAVE FILED THE CASE, SO THAT'S PENDING.
8 I NOTICE THAT THERE IS AN ANSWER. AND I NOTICE --
9 BRIEFLY I WAS LOOKING TO SEE IF THERE WAS A TRIAL IN THE
10 OTHER CASE. I THINK THERE'S NO TRIAL, BUT WE KNOW THAT
11 WITHIN 21 DAYS OF YOU'RE MAKING YOUR REQUEST, YOU'RE
12 GOING TO HAVE A TRIAL DATE. SO I THINK THIS IS ALL GOING
13 TO GET RESOLVED VERY PROMPTLY IN THE OTHER CASE.

14 NOW, I'M LIMITING MY RULING ACCORDING TO THIS.
15 I'M NOT TRYING TO GO ACROSS THE BOARD BECAUSE I COULD
16 IMAGINE THAT SOMEONE COULD DO WHAT YOU JUST DESCRIBED,
17 WHICH IS ABUSE THE PROCESS, RIGHT. SOMEBODY WHO IS AN
18 ILL-INTENDED TENANT COULD BE GOING FOR POSSESSION, AND
19 THEN YOU SAY THEY'RE NOT OWNER OCCUPANTS. I GET THAT.
20 SO I AM NOT TRYING TO COME UP HERE WITH A RULING THAT'S
21 GOING TO BE APPLYING ACROSS THE BOARD BECAUSE THAT IS NOT
22 MY INTENT AT ALL. THIS IS VERY FACT-SPECIFIC IN WHAT I
23 THINK IS A HIGHLY UNUSUAL CASE BECAUSE I HAVEN'T SEEN IT
24 HAPPEN BEFORE.

25 MS. ALSTON: THIS HAS BEEN LITIGATED, YOUR HONOR.
26 MS. GALLIAN BROUGHT A T.R.O., AND IT WAS GRANTED. THEY

1 WENT THROUGH A PRELIMINARY INJUNCTION. AND AT THE
2 PRELIMINARY INJUNCTION, THE COURT MADE A RULING AS TO HER
3 RIGHT TO POSSESSION, AND IT DETERMINED THAT SHE DIDN'T
4 HAVE ANY.

5 THE COURT: I JUST SAID -- I READ THE RULINGS, BY THE
6 WAY. THE PROBLEM THAT I WASN'T SATISFIED WITH IS WHETHER
7 OR NOT SHE GOT TO LITIGATE THE QUESTION OF WHETHER THERE
8 HAD BEEN COMPLIANCE WITH THE REGULATIONS OF MOBILE HOME
9 PARKS, AND WHETHER SHE WAS A TENANT THAT MET THE
10 REQUIREMENTS OF THE PARK SO THAT THEY COULD NOT --

11 MS. ALSTON: SHE DID.

12 THE COURT: THAT'S NOT APPARENT FROM THE
13 MOVING PAPERS. THAT'S WHAT I HAVE. AND IF I DID HAVE
14 THAT, THEN THE CASE NEXT DOOR IS GOING TO BE EVEN FASTER
15 BECAUSE IN THE CASE NEXT DOOR, YOU'RE GOING TO HAVE
16 COLLATERAL ESTOPPEL, AND YOU'RE GOING TO BE ABLE TO SAY,
17 "OH, THIS AS ALREADY LITIGATED, SO WE DON'T HAVE TO
18 LITIGATE IT."

19 MS. ALSTON: I THINK THE COURT DID ADDRESS IT. IT'S
20 THERE, YOUR HONOR. BUT I DO BELIEVE IT IS THERE WHEN IT
21 SAYS THAT MS. GALLIAN'S POSSESSION OF THE SUBJECT MOBILE
22 HOME WAS NEVER AUTHORIZED BY THE DEFENDANT, AND SHE IS,
23 IN ESSENCE, A SQUATTER.

24 THE COURT: EXCUSE ME. I'M GOING TO TAKE ISSUE WITH
25 THAT. I DON'T KNOW WHETHER THAT MEANS THAT SHE BECAME
26 THE OWNER WITHOUT THE PERMISSION. AND I UNDERSTAND

1 THAT -- HOWEVER, I DON'T KNOW IF SHE GOT TO LITIGATE
2 WHETHER THE PERMISSION WAS RIGHTFULLY OR WRONGFULLY
3 DENIED. AND IT SEEMS TO ME THAT, IN THE CONTEXT OF
4 ISSUING A TEMPORARY RESTRAINING ORDER OR NOT, THAT
5 PROBABLY WOULDN'T BE THE BEST FORUM TO DO THAT. SHE
6 PROBABLY NEEDS TO GO TO TRIAL.

7 BUT YOU DON'T HAVE TO CONVINCE ME OF THAT
8 BECAUSE, AGAIN, THIS IS A SHORT DELAY. IF YOU'RE RIGHT,
9 YOU'RE GOING TO GET A WRIT RIGHT ACROSS THE DOOR FROM
10 HERE IN THAT COURTROOM WHEN YOU LITIGATE IT. AND IF YOU
11 BELIEVE IT WAS LITIGATED, AND YOU BELIEVE YOU ALREADY
12 HAVE A RULING ON THAT ISSUE, THEN YOU CAN ARGUE THAT WITH
13 JUDGE HONER. BUT ALL I WANT TO DO IS STOP THIS
14 PROCESS -- IN MY CASE, THAT'S ALL I CARE, IS TO GIVE
15 MS. GALLIAN THE FULL OPPORTUNITY TO ARGUE WHETHER SHE HAS
16 THE RIGHT TO POSSESSION IN THE CASE THAT YOU ALREADY
17 FILED.

18 MS. ALSTON: I WOULD LIKE TO REQUEST THAT THE COURT
19 TAKE JUDICIAL NOTICE OF THE RULINGS MADE IN FRONT OF
20 JUDGE BAUER. AND THE CASE NUMBER IS -- I THINK I HAVE
21 THE CASE NUMBER ON THE MINUTE ORDER.

22 THE COURT: I TAKE JUDICIAL NOTICE OF THE CASES IN
23 THE ORANGE COUNTY SUPERIOR COURT.

24 MS. ALSTON: BUT SHE DID HAVE --

25 THE COURT: WHAT IS IT THAT YOU'RE LOOKING AT?

26 MS. ALSTON: I'M LOOKING AT MY DOCUMENTS, YOUR HONOR,

1 WHICH IS WHAT I QUOTED.

2 THE COURT: I HAVE SEEN IT. I JUST WANT TO BE SURE I
3 KNOW WHAT I'M LOOKING AT, OKAY.

4 MS. ALSTON: BUT, YOUR HONOR --

5 THE COURT: WAIT A MINUTE. I THINK YOU DID HAVE AN
6 ORDER. SO THE MINUTE ORDER BY JUDGE BAUER ISSUED
7 1/4/2019 -- WHICH, BY THE WAY, THE OTHER WAY I HAVE OF
8 LOOKING AT THIS --

9 JAMIE LYNN GALLIAN: I HAVE A COPY OF IT, YOUR HONOR,
10 IF YOU WANT TO SEE IT.

11 THE COURT: -- WHICH, YOU KNOW, AGAIN, PRIOR TO
12 EXECUTION OF THE WRIT, WHICH MEANS, IF ANYTHING, THAT BY
13 THE EXECUTION OF THE WRIT, IT JUST MEANS, BECAUSE OF HER
14 EFFORTS, SHE IS AN UNKNOWN OCCUPANT. I'M STILL CONCERNED
15 ABOUT THAT.

16 BUT I DON'T EVEN HAVE TO GO ON THAT POINT. I'M
17 NOT TRYING TO GO ON THAT POINT, EITHER. I JUST WANT YOU
18 TO UNDERSTAND, ALL I'M GOING TO DO IS STAY PROCEEDINGS
19 BASED ON MY WRIT TO SEE WHAT HAPPENS IN THE CASE IN FRONT
20 OF JUDGE HONER, AND THEN WE'LL SEE WHERE WE'RE AT.

21 MS. ALSTON: THE POINT I WANTED TO MAKE, SHE DID HAVE
22 AN ATTORNEY PRESENT, AND IT WAS LITIGATED. THE COURT DID
23 HAVE A NUMBER OF DECLARATIONS REGARDING EXPRESSLY
24 EXPLAINING ALL OF THE REASONS THAT HER APPLICATION WAS
25 DENIED. SO THAT HAD TO COME BEFORE A JUDGE, THAT HAS
26 BEEN RULED UPON BY A JUDGE.

1 THE COURT: I DON'T UNDERSTAND.

2 WHAT IS THE DETRIMENT OF JUST, LIKE -- THIS IS
3 GOING TO GET RESOLVED WITHIN THE NEXT 30 DAYS. IF YOU
4 RIGHT NOW GO DOWNSTAIRS AND YOU ASK FOR THAT TRIAL, YOU
5 GET A TRIAL IS WITHIN 30 DAYS. I DON'T UNDERSTAND.

6 WHAT IS THE DETRIMENT?

7 I'M TRYING TO UNDERSTAND.

8 IF I SAY THAT SHE'S IN POSSESSION OF THIS
9 MOBILE HOME WHILE THE OTHER CASE IS BEING LITIGATED, WHAT
10 IS THE DETRIMENT?

11 MS. ALSTON: THERE ARE A NUMBER OF DETRIMENTS. FIRST
12 OF ALL, SHE'S HARASSING THE NEXT-DOOR NEIGHBORS, SHE'S
13 ATTACHING FENCING TO THAT PROPERTY, AND THEY'RE HAVING
14 FIGHTS OVER THAT AND SCREAMING MATCHES OVER THAT. THERE
15 IS A T.R.O. IN PLACE AGAINST MS. GALLIAN WHERE SHE IS NOT
16 SUPPOSED TO COME WITHIN --

17 THE COURT: THERE'S A T.R.O. OF HOW FAR?

18 MS. ALSTON: THREE HUNDRED FEET.

19 JAMIE LYNN GALLIAN: TEN YARDS, MA'AM. AND IT WAS
20 FROM A PREVIOUS, UH -- THE MOBILE HOME PARK SHARES THE
21 SAME SECURITY GATE WITH ANOTHER COMMUNITY THAT I SOLD MY
22 PROPERTY. I LIVED THERE FOR OVER TEN YEARS, AND IT WAS
23 TEN YARDS T.R.O. OF A BOARD MEMBER. TEN YARDS IS 30
24 FEET, SO IT HAS NOTHING TO DO WITH THIS CASE. IT'S NO
25 VIOLENCE, NO NOTHING, RIGHT?

26 MS. ALSTON: WELL, THE T.R.O. HAS BEEN GRANTED. THE

1 INJUNCTION, IT'S A FIVE-YEAR INJUNCTION TO STAY AWAY OVER
2 THAT ISSUE.

3 **JAMIE LYNN GALLIAN:** SHE FILED IT ON --

4 **THE COURT:** WHAT'S THE ISSUE?

5 **MS. ALSTON:** IT WAS APPROXIMATELY SIX, EIGHT WEEKS
6 AGO, YOUR HONOR.

7 **THE COURT:** WHAT TYPE OF CASE IS THAT?

8 **JAMIE LYNN GALLIAN:** IT'S RIGHT ACROSS AT JUDGE
9 HONER'S.

10 **MS. ALSTON:** IT WAS SHERRI HONER'S COURT, YOUR HONOR.

11 **THE COURT:** WAS THAT A CIVIL HARASSMENT CASE?

12 **MS. ALSTON:** YES, IT WAS A CIVIL HARASSMENT CASE.
13 THERE WERE TWO -- EVERY TIME THAT SHE'S IN -- GOES
14 THROUGH THE GATE, SHE VIOLATES THAT T.R.O.

15 **JAMIE LYNN GALLIAN:** NO, THAT IS NOT TRUE, MA'AM.

16 **MS. ALSTON:** AND SHE HAS A CRIMINAL CASE PENDING
17 AGAINST HER AS WELL FOR VIOLATIONS OF ANOTHER T.R.O.
18 AGAINST A YOUNG CHILD.

19 SO THESE ARE CONTINUING HARASSMENTS THAT ARE
20 ONGOING. SO THE DETRIMENT IS THAT SHE'S VIOLATING A
21 T.R.O., SHE'S HARASSING HER NEIGHBORS. I UNDERSTAND THAT
22 THIS WILL BE HAPPENING QUICKLY, BUT SHE HAS THE COURT'S
23 CONCERN THAT SHE HASN'T HAD AN OPPORTUNITY TO PRESENT HER
24 CASE TO THE COURT AND DETERMINE WHETHER OR NOT HER
25 OCCUPATION IS PROPER BECAUSE SHE WAS NOT APPROVED HAS
26 BEEN LITIGATED AND HAS BEEN ADJUDGED BY THE COURT.

1 THE COURT HAS HAD --

2 THE COURT: WHEN DID YOU FILE THE OTHER CASE?

3 MS. ALSTON: THE OTHER CASE WAS FILED --

4 THE COURT: THE CASE, MA'AM?

5 JAMIE LYNN GALLIAN: JANUARY 2ND.

6 MS. ALSTON: YOUR HONOR, IT WAS JANUARY.

7 THE COURT: JANUARY 2ND?

8 MS. ALSTON: I DON'T KNOW THE DATE.

9 JAMIE LYNN GALLIAN: JANUARY 2ND, YOUR HONOR. IT WAS
10 SERVED FEBRUARY 5TH ON ME. I HAVE IT RIGHT HERE, YOUR
11 HONOR, IF YOU'D LIKE TO SEE IT.

12 (PAUSE IN PROCEEDINGS.)

13 THE COURT: THAT'S WHAT I MEAN. THAT'S MY WHOLE
14 PROBLEM WITH THIS CASE. SHE'S NOT AN UNKNOWN OCCUPANT.
15 THAT'S THE PROBLEM. SO I'M STILL BACK TO THIS PROBLEM.
16 ON JANUARY 2ND, YOU FILED THE CASE. YOU KNOW SHE'S IN
17 POSSESSION. AND SHE TOOK POSSESSION UNDER COLOR OF SOME
18 RIGHTS BECAUSE SHE BOUGHT THE PROPERTY. AND YOU KNEW IN
19 ORDER -- IN ORDER -- THE ONLY WAY THE WRIT IN THIS CASE
20 AGAINST RYAN GETS TO BE EXECUTED AGAINST GALLIAN IS IF
21 SHE IS AN UNKNOWN OCCUPANT.

22 AND WHEN THAT WRIT IS EXECUTED, SHE IS NOT AN
23 UNKNOWN OCCUPANT. YOU HAVE FILED AN UNLAWFUL DETAINER ON
24 JANUARY 2ND, WHICH MEANS TO ME SHE'S NOT AN UNKNOWN
25 OCCUPANT. I AM NOT -- I -- THE BEST I CAN DO HERE IS,
26 I'M PRETTY SURE I CAN RULE HERE THAT THE WRIT HERE IS NOT

1 EFFECTIVE, WHICH I THINK I'M ABOUT TO DO, OR I CAN JUST
2 SAY IT'S WAITING FOR PROCEEDINGS NEXT DOOR.

3 BUT I WILL NOT HAVE THIS PERSON EVICTED UNDER
4 THE UMBRELLA OF AN UNKNOWN OCCUPANT WHEN YOU FILED AN
5 UNLAWFUL DETAINER ON JANUARY 2ND. AND BY THEN, SHE'S NO
6 LONGER AN UNKNOWN OCCUPANT. SO BY THE TIME THIS GETS
7 EXECUTED, SHE'S NOT AN UNKNOWN OCCUPANT. I THINK THAT'S
8 A LOGICAL ISSUE OF WHAT AN UNKNOWN OCCUPANT IS. A
9 NONOCCUPANT IS, THEY OPEN THE DOOR AND FIND FIVE PEOPLE
10 LIVING THERE; THEY ONLY HAVE THE NAME OF RYAN. THEY
11 DON'T HAVE THE FIVE PEOPLE TO GET OUT. THAT'S NOT WHAT
12 HAPPENED IN THIS CASE. THAT'S NOT HERE BEFORE ME.

13 MS. ALSTON: YOUR HONOR, I DO BELIEVE THAT SHE
14 QUALIFIES AS AN OWNER OCCUPANT. I DO BELIEVE THAT MY
15 CONCERNS -- AND I KNOW THE COURT DOESN'T WANT TO RULE ON
16 THIS MATTER, BUT AGAIN, IT'S A CONCERN IF ONE PERSON
17 SAYS, "I'M GOING TO BE LOCKED OUT. I'M GOING TO PUT
18 ANOTHER PERSON IN." AND --

19 THE COURT: IF YOU WANT TO LITIGATE -- IF YOU'RE
20 ASKING ME TO LITIGATE WHETHER OR NOT SHE'S AN UNKNOWN
21 OCCUPANT, SURE, WE CAN HAVE A BRIEFING SCHEDULE. I JUST
22 THINK THE SOONER YOU GET OVER THERE, THE SOONER THIS CASE
23 GETS DONE. I DON'T WANT TO HAVE AN ISSUE THAT STAYS --
24 WHICH SAYS THAT THE STAY IS GOING TO BE BEYOND THE COURT
25 RULES IN THIS UNLAWFUL DETAINER, OR IF YOU WANT TO
26 LITIGATE WHETHER OR NOT YOU CAN EXECUTE A WRIT AGAINST

1 THIS PARTICULAR INDIVIDUAL AS AN UNKNOWN OCCUPANT, YOU
2 CAN GIVE ME -- COME UP WITH A BRIEFING SCHEDULE. BUT YOU
3 GET TIME, SHE GETS TIME, BECAUSE THIS GOES TO THAT.

4 **JAMIE LYNN GALLIAN:** YOUR HONOR, I HAVE ONE MORE
5 THING.

6 **MS. ALSTON:** YOUR HONOR, I AM CONCERNED. I DON'T
7 WANT TO MAKE PEOPLE -- YOU KNOW, I DON'T WANT TO
8 UNNECESSARILY EXPEND ATTORNEYS' FEES FOR MY CLIENT. IF
9 THE COURT IS NOT GOING TO EXECUTE THE WRIT AT THIS TIME,
10 I THINK IT WOULD BE BEST FOR US TO PROCEED. I DO,
11 HOWEVER, HAVE GRAVE CONCERNS THAT THIS COURT IS
12 OVERRULING JUDGE BAUER'S DECISION THAT'S BEEN LITIGATED.

13 **THE COURT:** IT'S NOT MY INTENT TO OVERRULE ANYBODY.
14 IN FACT, I DON'T HAVE THE POWER TO OVERRULE ANYBODY. I
15 ONLY HAVE THE POWER TO MAKE AN ASSESSMENT ABOUT THIS
16 PARTICULAR CASE.

17 **MS. ALSTON:** THAT'S WHAT'S HAPPENING. AND I JUST
18 WANT TO PRESENT THAT TO THE COURT.

19 **THE COURT:** I'M NOT OVERRULING JUDGE BAUER. I THINK
20 HE FOUND THAT THE INJUNCTIVE RELIEF WAS NOT AVAILABLE IN
21 THAT OTHER CASE. I'M NOT RULING ON THAT HERE. I DON'T
22 EVEN KNOW THE IN'S AND OUT'S OF THAT.

23 MY RULING IS SIMPLY THAT, IN THIS -- AND I AM
24 GOING TO RULE ON IT. IN THIS PARTICULAR CASE WHEN THE
25 CASE WAS FILED, JAMIE GALLIAN WAS NOT A DEFENDANT. ONLY
26 LISA RYAN WAS A DEFENDANT. LISA RYAN EXECUTED THE

1 STIPULATION. THE STIPULATION CONTEMPLATED HER TO STAY IN
2 THE MOBILE HOME. THE MOBILE HOME -- LISA RYAN VACATED
3 THE PROPERTY PURSUANT TO THE STIPULATION; THE MOBILE HOME
4 WAS SOLD TO JAMIE GALLIAN.

5 MS. ALSTON: SHE DID NOT VACATE ON A TIMELY BASIS.

6 THE COURT: I DON'T WANT TO ARGUE THAT, AND THAT'S
7 NOT BEFORE ME. SO PER THE STIPULATION, JAMIE GALLIAN
8 PURCHASED THE PROPERTY FROM MS. RYAN AND MOVED INTO THE
9 MOBILE HOME THAT MS. RYAN USED TO OCCUPY. AND ON JANUARY
10 2ND, 2019, THE PLAINTIFF IN THIS CASE, HOUSER BROTHERS,
11 FILED AN UNLAWFUL DETAINER AGAINST MS. GALLIAN,
12 PRESUMABLY BECAUSE THEY BELIEVE THAT SHE DOESN'T QUALIFY
13 TO BE A PARK TENANT. AND THEY MAY HAVE OTHER REASONS FOR
14 THAT. THAT'S NOT BEFORE THIS COURT.

15 WHAT IS BEFORE THIS COURT IS THAT AFTER FILING
16 THAT UNLAWFUL DETAINER IN CASE NUMBER 2019-01041423,
17 AFTER FILING THAT UNLAWFUL DETAINER, THE PLAINTIFFS HAVE
18 SOUGHT TO EXECUTE IN THIS CASE A WRIT THAT WAS ISSUED IN
19 THIS CASE -- IN THE CASE THAT I'M PRESIDING OVER -- WHICH
20 IS 3582.

21 AND THE COURT FINDS THAT THAT'S NOT A PROPER
22 EXECUTION OF THE WRIT. AND IT'S GOING TO ALLOW
23 MS. GALLIAN TO INTERVENE FOR THE PURPOSE OF CHALLENGING
24 THE EXECUTION OF THE WRIT AGAINST HER, WHICH HAD NOT
25 OCCURRED, BACK IN JANUARY WHEN SHE TRIED TO INTERVENE.
26 AT THAT POINT, SHE DIDN'T HAVE ANY INTEREST IN THE CASE.

1 AT THIS POINT, BECAUSE PLAINTIFF CHOSE TO EXECUTE THE
2 WRIT AGAINST MS. GALLIAN, SHE NOW HAS THE RIGHT TO
3 INTERVENE.

4 SO THE COURT HAS CONSIDERED THE MOTION THAT SHE
5 WAS NOT PROPERLY EVICTED IN THIS CASE, BASED ON THIS
6 CASE. AND THE COURT IS GOING TO RULE THAT THAT WAS
7 IMPROPER EXECUTION OF THE WRIT, THE WRIT THAT WAS ISSUED
8 BY MY COURT. THE WRIT ISSUED WAS CASE NUMBER 01013852 --
9 THE CASE IN FRONT OF ME -- AGAINST LISA RYAN.

10 AND THE ONLY WAY THAT JAMIE GALLIAN WOULD BE
11 EVICTED WITH THAT WRIT, YOU KNOW, THE COURT FINDS THAT
12 SHE'S NOT AN UNKNOWN OCCUPANT WHEN THE WRIT WAS EXECUTED,
13 BECAUSE PLAINTIFF ALREADY KNEW THAT SHE WAS TRYING TO
14 INTERVENE TO STOP EVICTION ON THIS WRIT. AND, IN FACT,
15 THEY -- THERE HAD BEEN A PRIOR RULING ON THE INJUNCTIVE
16 RELIEF IN A SEPARATE CASE IN WHICH PLAINTIFFS WERE
17 WELL-AWARE SHE'S NOT A NONOWNER OCCUPANT AND PURCHASED
18 THE PROPERTY -- THE MOBILE HOME -- FROM MS. RYAN.

19 AND THEY FILED THEIR OWN UNLAWFUL DETAINER
20 AGAINST MS. GALLIAN JANUARY 2ND. AND WHEN THEY EXECUTED
21 THAT WRIT A FEW DAYS AGO -- YESTERDAY, I THINK -- WHEN
22 THEY EXECUTED THE WRIT, MS. GALLIAN WAS NOT AN UNKNOWN
23 OCCUPANT. AND THAT WRIT DID NOT EXTEND TO HER. FOR THAT
24 REASON, THE COURT IS GOING TO HOLD THAT THE PARK HAS
25 MS. GALLIAN BACK IN POSSESSION OF THE MOBILE HOME.

26 THE ISSUE OF WHETHER OR NOT SHE'S A TENANT THAT

1 QUALIFIES UNDER PARK RULES TO BECOME A PERMANENT TENANT
2 OF THE PARK, THAT IS GOING TO BE LITIGATED IN THE CASE
3 PENDING UNDER CASE NUMBER 2019-01041423. SO THE
4 LITIGATION WILL CONTINUE.

5 AND THIS RESULT, TO THE COURT, IS NOT ONLY TO
6 THE EXTENT BECAUSE OF THE RULINGS I MAKE, BUT IT ALSO
7 PROTECTS MS. GALLIAN'S DUE PROCESS RIGHTS TO LITIGATE THE
8 QUESTION OF WHETHER OR NOT THE PARK PROPERLY EXERCISED
9 ITS DISCRETION IN DECIDING THAT SHE WAS NOT A PROPER
10 TENANT. SHE GETS TO LITIGATE THAT.

11 SO FOR ALL THOSE REASONS, THE COURT ORDERS THE
12 PARK TO RETURN POSSESSION BY --

13 CAN YOU DO IT BY 5:00 P.M. TODAY?

14 MS. ALSTON: YES, YOUR HONOR.

15 THE COURT: SO THE ORDER IS THAT POSSESSION IS
16 RETURNED TO MS. GALLIAN BY 5:00 P.M. TODAY.

17 ALL RIGHT. THIS IS GOING BACK TO COUNSEL, AND
18 THIS IS GOING BACK TO THE DEFENDANT. AND I'M DONE WITH
19 THIS CASE. THANK YOU VERY MUCH.

20 (PROCEEDINGS CONCLUDED.)

21
22
23
24
25
26

REPORTER'S CERTIFICATE

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.

I, PATRICK R. BREZNA, CSR NO. 5288, CERTIFIED
REALTIME REPORTER, REGISTERED PROFESSIONAL REPORTER, DO
HEREBY CERTIFY THAT THE FOREGOING REPORTER'S TRANSCRIPT IS
A FULL, TRUE AND CORRECT TRANSCRIPTION OF MY SHORTHAND
NOTES THEREOF, AND A FULL, TRUE AND CORRECT STATEMENT OF
THE PROCEEDINGS HAD IN SAID CAUSE BASED ON AN ELECTRONIC
RECORDING SUBMITTED TO ME BY JAMIE LYNN GALLIAN.

DATED AT ORANGE, CALIFORNIA, THIS 7TH DAY OF
SEPTEMBER, 2020.



PATRICK R. BREZNA, CSR NO. 5288,
CERTIFIED REALTIME REPORTER,
REGISTERED PROFESSIONAL REPORTER

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>D. EDWARD HAYS, #162507 ehays@marshackhays.com LAILA MASUD, #311731 lmasud@marshackhays.com BRADFORD N. BARNHARDT, #328705 bbarnhardt@marshackhays.com MARSHACK HAYS LLP 870 Roosevelt Irvine, CA 92620 Telephone: (949) 333-7777</p> <p><input type="checkbox"/> Individual appearing without an attorney <input checked="" type="checkbox"/> Attorney for: Houser Bros.Co.</p>	<p>FOR COURT USE ONLY</p>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</p>	
<p>In re: JAMIE LYNN GALLIAN,</p> <p>Debtor(s)</p>	<p>CASE NO.: 8:21-bk-11710-SC CHAPTER: 7</p> <p>NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: (title of motion¹): <u>Motion for Relief from Stay Under 11</u> <u>U.S.C. Section 362 (Unlawful Detainer)</u></p>

PLEASE TAKE NOTE that the order titled Order Granting Motion for Relief from Stay Under 11 U.S.C. Section 362 (Unlawful Detainer)

was lodged on (date) 02/02/2023 and is attached. This order relates to the motion which is docket number 278.

¹ Please abbreviate if title cannot fit into text field.



Bankruptcy LODGED ORDER UPLOAD FORM

Thursday, February 02, 2023

CONFIRMATION :

Your Lodged Order Info:

([11263638.doc](#))

A new order and exhibit has been added

- **Office:** Santa Ana
- **Case Title:** Jamie Lynn Gallian
- **Case Number:** 21-11710
- **Judge Initial:** SC
- **Case Type:** bk (Bankruptcy)
- **Document Number:** 278
- **On Date:** 02/02/2023 @ 11:21 AM

Thank You!

United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 East Temple Street
Los Angeles, CA 90012

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>D. EDWARD HAYS, #162507 ehays@marshackhays.com LAILA MASUD, #311731 lmasud@marshackhays.com BRADFORD N. BARNHARDT, #328705 bbarnhardt@marshackhays.com MARSHACK HAYS LLP 870 Roosevelt Irvine, CA 92620 Telephone: (949) 333-7777 Facsimile: (949) 333-7778</p> <p><input checked="" type="checkbox"/> Attorney for Movant <input type="checkbox"/> Movant appearing without an attorney</p>	<p>FOR COURT USE ONLY</p>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA -SANTA ANA DIVISION</p>	
<p>In re: JAMIE LYNN GALLIAN,</p>	<p>CASE NO.: 8:21-bk-11710-SC CHAPTER: 7</p> <p>ORDER GRANTING MOTION FOR RELIEF FROM STAY UNDER 11 U.S.C. § 362 (UNLAWFUL DETAINER)</p> <p>DATE: 02/01/2023 TIME: 10:00 am COURTROOM: 5C PLACE: 411 W. Fourth Street, Santa Ana, California</p> <p>Debtor(s).</p>
<p>Movant: Houser Bros. Co. dba Rancho Del Rey Mobile Home Estates</p>	

1. The Motion was: Opposed Unopposed Settled by stipulation
2. This order applies to the following real property (Property):
Type of property: Residential Nonresidential
Street Address: 16222 Monterey Lane
Unit/Suite number: Space 376
City, State, Zip Code: Huntington Beach, CA 92649
3. The Motion is granted under:
 - a. 11 U.S.C. § 362(d)(1)
 - b. 11 U.S.C. § 362(d)(2)

c. 11 U.S.C. § 362(d)(4). The filing of the bankruptcy petition was part of a scheme to hinder, delay, or defraud creditors that involved:

- (1) The transfer of all or part ownership of, or other interest in, the Property without the consent of the secured creditor or court approval; and/or
- (2) Multiple bankruptcy cases affecting the Property.
- (3) The court makes does not make cannot make a finding that the Debtor was involved in this scheme.
- (4) If recorded in compliance with applicable state laws governing notices of interests or liens in real property, this order is binding in any other case under this title commenced by or against any debtor who claims any interest in the Property purporting to affect such real property filed not later than 2 years after the date of the entry of this order by the court, except that a debtor in a subsequent case under this title may move for relief from this order based upon changed circumstances or for good cause shown, after notice and a hearing. Any federal, state or local government unit that accepts notices of interests or liens in real property shall accept any certified copy of this order for indexing and recording.

4. As to Movant, its successors, transferees and assigns, the stay of 11 U.S.C. § 362(a) is:

- a. Terminated as to the Debtor and the Debtor's bankruptcy estate.
- b. Modified or conditioned as set forth in Exhibit _____ to this order.
- c. Annulled retroactive to the bankruptcy petition date. Any postpetition acts taken by or at the request of the Movant to enforce its remedies regarding the Property, including without limitation entry of any order, judgment or writ, do not constitute a violation of the stay.

5. Movant may enforce its remedies to obtain possession of the Property, including lockout, in accordance with applicable nonbankruptcy law, but may not pursue any monetary claim against the Debtor or property of the estate for amounts attributable to the period before the bankruptcy was filed except by filing a proof of claim pursuant to 11 U.S.C. § 501.

6. Movant shall not cause the Debtor to be locked out before (date) _____.

7. The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified or annulled as to the co-debtor, on the same terms and conditions as to the Debtor.

8. The 14-day stay prescribed by FRBP 4001(a)(3) is waived.

9. This order is binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of the Bankruptcy Code.

10. This order is binding in any other bankruptcy case commenced by or against any debtor who claims any interest in the Property, or purporting to affect the Property filed not later than 2 years after the date of entry of this order, except that a debtor in a subsequent case may move for relief from this order based upon changed circumstances or for good cause shown, after notice and hearing.

11. This order is binding and effective in any bankruptcy commenced by or against the Debtor for a period of 180 days from the hearing of this Motion.

12. This order is binding and effective in any bankruptcy commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion.

- a. without further notice.
- b. upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

13. A designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of any future bankruptcy case concerning the Property for a period of 180 days from the hearing of this Motion.

a. without further notice.

b. upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

14. Other (*specify*): The motion is granted for the reasons set forth in the motion and reply and as set forth by the Court in its tentative ruling attached as Exhibit "1" and as stated on the record.

###

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, February 1, 2023

Hearing Room 5C

9:30 AM

8:21-11710 Jamie Lynn Gallian

Chapter 7

#1.00

CONT'D Hearing RE: Motion for relief from stay [Unlawful Detainer]

**Houser Bros. Co., dba Rancho Del Rey Mobile Home Estates vs. DEBTOR
(Motion filed 12/28/2022)**

[RE: 16222 Monterey Lane, Space 376, Huntington Beach, CA 92647]

FR: 1-18-23

Docket 278

Tentative Ruling:

Tentative for 2/1/23 is to GRANT.

In order to determine if cause exists to modify the automatic stay and allow pending litigation to continue in another forum, several courts have come up with lists of "factors" to be weighed. The court in *Truebro, Inc. v. Plumberex Specialty Products, Inc.* (*In re Plumberex Specialty Products, Inc.*), 311 B.R. 551, 559 (Bankr. C.D. Cal. 2004), listed twelve nonexclusive factors.

Having carefully applied the *Plumberex* factors to the facts before this Court, and noting that the Chapter 7 Trustee does not oppose the granting of relief from stay [Dk. 282] and Debtor's Opposition does not properly address such factors [Dk. 298], this Court is inclined to GRANT the Motion. Primarily, and despite Debtor's contentions otherwise, the relief requested will not interfere with the bankruptcy or pending adversary proceeding, or prejudice the interests of other creditors and interested parties, and would result in judicial economy and more expeditious determination for the benefit of all of the relevant parties. Moreover, "[h]earings on relief from stay are handled in a summary fashion. The validity of the claim or contract underlying the claim is not litigated during the hearing." *Johnson v. Righetti (In re Johnson)*, 756 F.2d 738, 740-41 (9th Cir. 1985).

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, February 1, 2023

Hearing Room 5C

9:30 AM

Chapter 7

CONT... Jamie Lynn Gallian

Virtual appearances are required. The courtroom will be locked; parties will not be permitted to appear in the courtroom. The hearing will take place using Zoom for Government, a free service that provides audioconference and videoconference capabilities.

Participants may connect to the videoconference through an Internet browser by entering the Videoconference URL shown below, as well as the meeting ID and password, when prompted.

Videoconference URL: <https://cacb.zoomgov.com/j/1602445842>

Meeting ID: 160 244 5842

Password: 091470

If a participant is unable to send and receive audio through his/her computer, or join the videoconference through an Internet browser for any reason, the audio of the hearing may be accessed by telephone using the following audio conference information:

Audioconference Tel. No.: +1 (669) 254 5252 or +1 (646) 828 7666

Meeting ID: 160 244 5842

Password: 091470

For further details, please consult the instructions on the Court's website <https://www.cacb.uscourts.gov/judges/honorable-scott-c-clarkson>.

Please note that default matters may be called prior to the videoconference, so there may be a slight delay to the official start time of the videoconference hearing.

As noted in the Court's Zoom Video Hearing Guide, located at <https://www.cacb.uscourts.gov/node/7890>, all persons are strictly prohibited from making any recording of court proceedings, whether by video, audio,

**United States Bankruptcy Court
Central District of California
Santa Ana
Scott Clarkson, Presiding
Courtroom 5C Calendar**

Wednesday, February 1, 2023

Hearing Room 5C

9:30 AM

Chapter 7

CONT... Jamie Lynn Gallian

"screenshot," or otherwise. Violation of this prohibition may result in the
imposition of monetary and non-monetary sanctions.

Party Information

Debtor(s):

Jamie Lynn Gallian Pro Se

Movant(s):

Houser Bros. Co. dba Rancho Del
Represented By
D Edward Hays
Laila Masud

Trustee(s):

Jeffrey I Golden (TR)
Represented By
Aaron E. DE Leest
Eric P Israel

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On February 2, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:** On February 2, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on February 2, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:

PRESIDING JUDGE'S COPY

HONORABLE SCOTT C. CLARKSON
UNITED STATES BANKRUPTCY COURT, CENTRAL DISTRICT OF CALIFORNIA
RONALD REAGAN FEDERAL BUILDING AND COURTHOUSE
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C
SANTA ANA, CA 92701-4593

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

February 2, 2023

Date

Layla Buchanan

Printed Name

/s/ Layla Buchanan

Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:**

- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO.:** Bradford Barnhardt
bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Aaron E DE Leest adeleest@DanningGill.com, danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **TRUSTEE JEFFREY I GOLDEN (TR):** Jeffrey I Golden (TR) lwerner@wglp.com, jig@trustesolutions.net; kadele@wglp.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS' ASSOCIATION:** Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Eric P Israel eisrael@DanningGill.com, danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR AND PLAINTIFF HOUSER BROS. CO. and CREDITOR HOUSER BROS. CO. DBA RANCHO DEL REY MOBILE HOME ESTATES:** Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR DEFENDANT RANDALL L NICKEL:** Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Smith claims@recoverycorp.com
- **U.S. TRUSTEE:** United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov

4879-0465-9015, v. 1

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
5801 Skylab Road
Huntington Beach, CA 92649

A true and correct copy of the foregoing document entitled: Declaration of Jamie Lynn Gallian Objection to Doc 323, Lodged Order, Page 2, Item 5 will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 2/7/2023, checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/7/2023 — Robert McLelland
Date Printed Name

Robert McLelland
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:**

- ATTORNEY FOR DEBTOR JAMIE GALLIAN: Bert Briones bb@redhilllawgroup.com, helpdesk@redhilllawgroup.com;RedHillLawGroup@jubileebk.net
- ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR): Aaron E DE Leest adeleest@DanningGill.com, danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- ATTORNEY FOR CREDITOR and PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION: Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- TRUSTEE JEFFREY I GOLDEN (TR): Jeffrey I Golden (TR lwerner@wglp.com, jig@trustesolutions.net; kadele@wglp.com
- ATTORNEY FOR PLAINTIFF HOUSER BROS. CO.: D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- ATTORNEY FOR CREDITOR and PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION: Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR): Eric P Israel eisrael@DanningGill.com, danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- ATTORNEY FOR PLAINTIFF HOUSER BROS. CO.: Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- ATTORNEY FOR DEFENDANT RANDALL L NICKEL: Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- INTERESTED PARTY COURTESY NEF: Valerie Smith claims@recoverycorp.com
- U.S. TRUSTEE: United States Trustee (SA) ustpregion16.sa.ecf@usdoj.gov